

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

CODY L. WALTON,)	
)	
)	
vs.)	Case No: 2:11-CV-00048
)	
ROBERT DAWSON, et al.,)	JURY TRIAL DEMANDED
)	
Defendants.)	

PLAINTIFF'S PROPOSED STATEMENT OF THE CASE¹

While in pretrial detention at the Macon County Jail, Cody Walton was the victim of a sexual assault by Nathaniel Flenory. Cody Walton filed a Complaint against Robert Dawson in his official capacity and against David Moore in his individual and official capacity claiming that they violated his civil rights under 42 U.S.C. §1983. Robert Dawson was the Sheriff of Macon County, Missouri. David Moore was the jail administrator for the Macon County Jail. The suit against Robert Dawson and David Moore in their official capacity is a suit against Macon County, Missouri.

On August 30, 2010, Mr. Walton was being held at the Macon County jail. In the early morning hours, Mr. Flenory left his own unlocked cell, entered Mr. Walton's unlocked cell, had Mr. Walton follow him back to his cell, and sodomized Mr. Walton.

Mr. Walton claims Sheriff Dawson and Mr. Moore are responsible for the assault and violated his civil rights by failing to train their jailers to lock down jail cells at night and/or failing to supervise their jailers.

¹ The parties have attempted in good faith to provide a Joint Statement of the Case. Unfortunately, the parties were unable to reach an agreement on the Statement and are, therefore, submitting proposed Statement of the Case.